REMARKS

This Amendment is fully responsive to the non-final Office Action dated July 12, 2007, issued in connection with the above-identified application. A petition for a one-month extension of time accompanies this Amendment. Claims 1-14, 27 and 28 were previously pending in the application. With this Amendment, claims 1-14, 27 and 28 have been canceled without prejudice or disclaimer to the subject matter therein; and claims 29-44 have been added. Thus, claims 29-44 are all the claims presently pending in the application. Additionally, claims 29-44 are directed to the elected invention. No new matter has been added by this Amendment; thus, reconsideration is respectfully requested.

At the outset, to facilitate the Examiner's reconsideration of the application, the Applicants have provided a substitute specification and abstract. The changes to the specification and abstract include minor editorial and clarifying changes. In addition to the substitute specification and abstract, a "marked-up" copy of the original specification and abstract are also enclosed.

The Office Action objected to the Applicants' priority claim alleging that the Applicants' priority claim did not comply with one or more conditions for receiving the benefit of an earlier filed application under 35 U.S.C. 119(e). Additionally, the Examiner has required the submission of a certified English translation of the Japanese priority document under U.S. patent rules 37 CFR 41. 154(b) and 37 CFR 41.202(e).

The Applicants respectfully point out that this objection appears to be a clear error on the part of the Examiner. The above sections cited by the Examiner relate specifically to interference proceedings, which would not be applicable to the present application. Additionally, a certified English translation of a foreign priority document is generally not required when making an initial claim for foreign priority under 35 U.S.C. 119. Accordingly, the Applicants respectfully request withdrawal of the objection to the Applicants' foreign priority claim.

The Office Action rejected claim 14 under 35 USC 101 for being directed to non-statutory subject matter. Specifically, the Examiner alleges that the "program" recited in claim 14 fails to define a structural relationship between the program and other elements of a computer, and the program is not described as being stored or encoded on a computer-readable medium.

The Applicants have herein canceled claim 14 rending the rejection to claim 14 under 35 USC 101 moot. Additionally, program claim 42 recites "computer program encoded on a computer-readable medium that causes a content management apparatus to perform a method for managing a number of content duplications performed on a plurality of apparatuses connected to a network." Thus, claim 42 is clearly directed to statutory subject matter. Accordingly, the Applicants respectfully request that the rejection under 35 USC 101 be withdrawn

The Office Action rejected claims 1-14, 27 and 28 under 35 USC 102(e) as being anticipated by Okamoto et al. (U.S. Publication No. 2004/0054678 A1, hereafter "Okamoto"). The Applicants have canceled claims 1-14, 27 and 28 rending the above rejection to those claims moot. Additionally, the Applicants maintain that new claims 29-44 are not anticipated by Okamoto because independent claims 29, 41, 42 and 43 include several features that are not disclosed or suggested by Okamoto.

For example, independent claim 29 recites the following features:

"A content management apparatus operable to manage a number of content duplications performed on a plurality of apparatuses connected to a network, comprising:

a holding unit operable to respectively hold an in-group remaining number and an out-group remaining number, the in-group remaining number indicating a number of permitted content duplications performed on an apparatus belonging to a predetermined group, and the out-group remaining number indicating a number of permitted duplications performed on an apparatus not belonging to the predetermined group;

a group judging unit operable to judge whether at least one apparatus of the plurality of apparatuses belongs to the predetermined group; and

a content management unit operable to manage the number of content duplications performed on the at least one apparatus based on the in-group remaining number when the at least one apparatus is judged to belong to the predetermined group by said group judging unit, and manage the number of content duplications performed on the at least one apparatus based on the out-group remaining number when the at least one apparatus is judged not to

belong to the predetermined group by said group judging unit."

The features noted above in independent claim 29 are similarly recited in independent claims 41, 42 and 43. Specifically, claim 41 is a corresponding method claim and claim 42 is a corresponding computer program claim; both having steps directed to the features performed by the content management apparatus of claim 29. Additionally, claim 43 is a system claim that includes a content management apparatus having the features of the content management apparatus of claim 29. These features of independent claims 29, 41, 42 and 43 are fully supported by the Applicants' disclosure (see, e.g., Figs. 35-42).

The present inventions of independent claims 29, 41, 42 and 43 are directed to a content management apparatus, method and program for separately managing the number of duplications permitted by in-group and out-group apparatuses. The content management apparatus includes a holding unit that respectively holds an in-group remaining number and an out-group remaining number. The in-group remaining number indicates a number of permitted content duplications performed on an apparatus belonging to the predetermined group, and the out-group remaining number indicates a number of permitted duplications performed on an apparatus not belonging to the predetermined group. A group judging unit judges whether an apparatus belongs to the predetermined group; and a management unit manages the number of content duplications performed on the at least one apparatus based on the judging results. The content management apparatus of the present invention provides improved copyright protection by being able to stiffen restrictions on the duplication of content for out-group apparatuses, and relax restrictions on the duplication of content for in-group apparatuses.

The Applicants maintain that Okamato fails to disclose or suggest all the features of the "the holding unit," (or holding method) "the group judging unit," (or group judging method), or "the content management unit" (or content management method) of independent claims 29, 41, 42 and 43, respectively.

In the Office Action, the Examiner relied on Okamoto at Figs. 14 and 15 for disclosing the "group judging unit" (or group judging method) of the present invention. Okamoto at ¶0118-¶0120 describes Figs. 14 and 15 in more detail. Specifically, Okamoto at ¶0118 describes a

server that transmits encrypted content from a content library to a user requesting content. Additionally, Okamoto at ¶0119 describes a license ticket (LT) unit that has the ability to cut-out part of an available usage condition, thereby decreasing rights management information in the right management information database. Specifically, Okamoto provides an example of cutting the usage count of content from 10 to 2. Finally, Okamoto at ¶0120 describes the use of a move-out process that is used for updating the rights management information database when content is purchased.

However, nothing in Okamoto at ¶0118-¶0120, or Figs. 14 and 15 describes a group judging unit (or group judging method) that judges whether at least one apparatus of a plurality of apparatuses belongs to the predetermined group, as recited in independent claims 29, 41, 42 and 43.

In the Office Action, the Examiner relied Okamoto at Fig. 18 for disclosing or suggesting the "holding unit" (or holding method) of the present invention. Okamoto at ¶0131 describes in detail Figs. 18A and 18B. Specifically, Okamoto at ¶0131 describes a portable medium for storing content when content is purchased, and subsequently reducing a usage count. However, ¶0131 of Okamoto fails to disclose or suggest that the portable medium stores an in-group remaining number and an out-group remaining number, wherein the in-group remaining number indicates a number of permitted content duplications performed on an apparatus belonging to a predetermined group, and the out-group remaining number indicates a number of permitted duplications performed on an apparatus not belonging to the predetermined group, as recited in independent claims 29, 41, 42 and 43.

In the Office Action, the Examiner relied on Okamoto at ¶0075, ¶0076, ¶0080-¶0084 and ¶0087 for disclosing or suggesting "the content management apparatus" (or content management method) of the present invention. However, Okamoto at ¶0075 and ¶0076 describes generally a distribution device for storing and distributing digital works to users in accordance with rights management information. Additionally, Okamoto at ¶0080-¶0084 describes the ability of a user to select content from a group and freely allocate a usage count. Finally, Okamoto at ¶0087 merely describes the use of license tickets (LT). Based on

the foregoing, Okamoto fails to disclose or suggest a content management unit (or content management method) that manages the number of content duplications performed on the at least one apparatus based on the judging results, as recited in independent claims 29, 41, 42 and 43. Additionally, as noted above, Okamoto fails to disclose or suggest the group judging unit (or group judging method) of independent claims 29, 41, 42 and 43. Thus, it logically follows that Okamoto also fails to disclose or suggest a content management unit (or content management method) that manages the number of content duplications performed on the at least one apparatus based on the judging results.

Based on the above discussion, independent claims 29, 41, 42 and 43 are not anticipated by Okamoto. Additionally, no obvious modification to or combination with Okamoto would result in, or otherwise render obvious, in independent claims 29, 41, 42 and 43. Accordingly, independent claims 29, 41, 42, and 43 are patentably distinguished over Okamoto. Additionally, dependent claims 30-40 and 44 are patentably distinguished over Okamoto based at least on their dependency from independent claims 29 and 43, respectively.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the objections and rejections presented in the Office Action dated July 12, 2007, and pass this application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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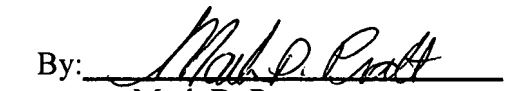
By: 

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